

Woodward Secretary, of Childress County Farm Labor Union, urging enactment of measures taxing crude oil, incomes and intangibles. Governor Davidson stated that he had received more than one hundred letters and communications of similar character, and requested that this be noted in the Journal, and asked the Senators to examine these various petitions held by him at his desk.

Senator Floyd offered and had read a letter signed S. M. Edmondson, O. J. Walker and W. T. Walker, members of the Kanawha School Board, urging passage of further measures for rural school aid.

Senator Burkett sent up and had read a petition numerous signed by Putnam, Callahan County citizens, protesting against the passage of H. B. No. 74 by Bryant and H. B. No. — by Dinkle, these bills providing for taxation of incomes of joint stock associations and of corporations.

SEVENTH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, April 24, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent.

Dudley. Ridgeway.

Absent—Excused.

Wirtz.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dis-

pensed with on motion of Senator Watts.

(See Appendix for committee reports, petitions and memorials.)

Excused.

Senators Davis, Lewis, Ridgeway, Bailey, Bowers, and Dudley for yesterday, on account of important business, on motion of Senator Wood.

S. C. R. No. 9.

By Senator Bailey:

Whereas, The Congress of the United States has undertaken in the Transportation Act of 1920 to authorize the consolidation of the railroads of the Continental United States into a limited number of systems, and

Whereas, Under the provisions of this said Act, the Interstate Commerce Commission is now conducting hearings with a view to preparing such a plan of consolidation, and

Whereas, A member of the Interstate Commerce Commission is now sitting in such a hearing in the city of Fort Worth, and

Whereas, The Railroad Commission of Texas, through Commissioner Splawn, has appeared at said hearing; therefore be it

Resolved, That the Legislature of Texas does approve and endorse the stand taken by the Texas Railroad Commission as stated in the testimony of Commissioner Splawn before the Interstate Commerce Commission at Fort Worth, in which he opposed the Interstate Commerce Commission's plan of consolidating the railroads of the United States into a few systems. And for the reasons stated by Commissioner Splawn we call upon the Texas delegation in Congress to use all their influence to repeal that part of the Transportation Act of 1920 which would authorize the consolidation of parallel and competing railroad systems. We further endorse his stand for the economical routing of tonnage from the north and northwest through the gulf ports.

Resolved further, That a copy of this resolution be sent to each of the

In Memory
of
Hon. Thomas Mitchell Campbell
A Great Governor of the State of Texas

SENATE JOINT RESOLUTION NO. 1.

By Senators Fairchild, Davis and Murphy:

Whereas, The first day of April, 1923, marked the close of the earthly life of the Honorable Thomas Mitchell Campbell, who was Governor of Texas for two consecutive terms, and, whereas, he rendered his State and fellow-men faithful and exalted service,

Therefore, As a memorial of the affection and esteem of the people of Texas for their distinguished public servant, be it

Resolved by the Legislature of the State of Texas:

First. Born in Texas in 1856, his boyhood and youth covered the most heroic and the saddest period in the history of the Southland. The experience gave him an unalterable hatred of unfair privilege and oppression, as well as a passionate and unquenchable love for his State and her people. No man surpassed him in devotion to the traditions and ideals of the South of Washington and Jefferson, of Davis and Reagan, of Lee and Jackson.

Second. The friend of Hogg in boyhood, of Ramsey in youth, and the neighbor and friend of Reagan in mature manhood, Campbell's character combined an indomitable will and a fine courage like that of Hogg, and a penetrating vision and sound, practical, upright judgment like that of Ramsey, with a wide sympathy for his fellows and an exalted fidelity to duty like that which immortalized Reagan.

Third. The administration of Governor Campbell was marked by much constructive legislation of enduring value. Once convinced that legislation was required in promotion of the general good he became its enthusiastic and ardent and well nigh irresistible champion.

With unflagging energy he caused the criminal laws to be executed, not only in the communities wherein the laws were popular but throughout the State. He advocated legislation with adequate and deterrent penalties for breaches of the laws most commonly violated. His example inspired the officers of the State to fidelity and fearlessness in the performance of duty.

He was ever mindful of the true interest of every one who labors and toils, recalling the time when he worked with his own hands. The cause of labor was advanced during his term to a degree never excelled in the history of an American State.

He regarded it as part of his obligation to conduct the government of the commonwealth not only with efficiency but with economy. How well he succeeded was attested by the lowest ad valorem rate for State taxes in the entire history of Texas. Had he not possessed the traits of the great man of business such achievement would not have been possible.

Fourth. No memorial of Governor Campbell's life would be complete without mention of the source of his strength and power, viz: a sincere and confident faith in Him, whom he humbly strove to emulate. Without that inspiration a life so abounding with love for others, and animated by such courage as meets even death as conqueror, cannot be explained. Such a life could not be more fittingly closed than with the final summons on the anniversary of the resurrection of Him who came "not to be ministered unto but to minister."

Fifth. That these resolutions be recorded in the Journal of each House on pages reserved for the purpose, and be printed in the Session Acts, and that a copy be forwarded to the widow of the deceased.

The resolution was read and on motion of Senator Bailey was adopted unanimously by a rising vote of the Senate

Representatives in Congress and United States Senators from Texas. The resolution was read and adopted.

Journal Ordered Reprinted.

Senator Floyd moved that the Senate Journal of yesterday be reprinted with typographical errors corrected.

The motion prevailed.

Resignation of Senator R. M. Dudley.

The Chair laid before the Senate the following communication:

To the Texas Senate of the Thirty-eighth Legislature.

Gentlemen: This is to advise that I am in receipt of the resignation of R. M. Dudley, State Senator from the Twenty-fifth District, which resignation was accepted on the twenty-third day of April, 1923.

Respectfully,
PAT M. NEFF,
Governor.

Simple Resolution No. 16.

By Senator Watts:

Whereas, In the closing hours of the Regular Session of the Thirty-eighth Legislature the Senate had up for consideration the majority and minority reports of the committee on investigation of the Texas Employers' Insurance Association under Simple Resolution No. 46, and

Whereas, The minority report adopted by the Senate made certain recommendations with reference to the management and operation of the association, which recommendations the report directs be submitted to the board of directors of the association, with the request that the directors report to the Senate not later than the tenth day of the First Called Session what action they had taken and would take with reference to carrying out the suggestions of the report, and

Whereas, The Legislature has amended the law governing the operations of the Texas Employers' Insurance Association, which law is now in full force and effect, so that

some of the recommendations of the minority report are in conflict therewith, and

Whereas, There are also other recommendations in the report which it now appears would so handicap the association that it could not successfully operate to competition with the numerous private insurance corporations writing compensation insurance in Texas, and

Whereas, This situation creates a dilemma for said association from which only the Senate can relieve it, because if it should conduct its business according to the recommendations of said report it would have to ignore the law; also, if other recommendations in the report are followed by the management, the association, operating as it does in competition with many other companies, would be unable to stay in business; now, therefore, be it

Resolved, That the Senate is now of the opinion that said association will not be expected to put into effect the suggestions of the minority report until legislation is had on the subject.

Watts, Doyle, Davis, Ridgeway, Bledsoe, Darwin, Floyd, Burkett, Witt, Parr, Pollard, Stuart, and Clark.

The resolution was read.

Senator Rogers moved that the resolution be referred to the Committee on Insurance and Banking.

Yeas and nays were demanded and the motion to refer was lost by the following vote:

Yeas—10.

Baugh.	Murphy.
Cousins.	Rogers.
Holbrook.	Thomas.
Lewis.	Turner.
McMillin.	Woods.

Nays—13.

Bledsoe.	Pollard.
Clark.	Rice.
Darwin.	Stuart.
Davis.	Watts.
Doyle.	Witt.
Floyd.	Wood.
Parr.	

Absent.

Bailey.	Ridgeway.
Bowers.	

(Pairs Recorded.)

Senator Fairchild (present), who would vote "yea" with Senator Wirtz (absent), who would vote "nay."

Senator Strong (present), who would vote "yea" with Senator Burkett (absent), who would vote "nay."

Senator McMillin offered the following motion:

That the resolution be laid on the table subject to call and that the resolution, together with the majority and minority reports submitted to the Senate at the Regular Session, be printed in the Journal.

Senator Fairchild raised the point of order that this Called Session of the Legislature cannot set aside the resolution passed at the Regular Session.

The Chair overruled the point of order.

Question then recurred on the motion by Senator McMillin.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—13

Baugh.	Rice.
Cousins.	Rogers.
Fairchild.	Strong.
Holbrook.	Thomas.
Lewis.	Turner.
McMillin.	Woods.
Murphy.	

Nays—13.

Bledsoe.	Parr.
Burkett.	Pollard.
Clark.	Stuart.
Darwin.	Watts.
Davis.	Witt.
Doyle.	Wood.
Floyd.	

Absent.

Bowers.	Ridgeway.
---------	-----------

(Pair Recorded.)

Senator Bailey (present), who would vote "yea" with Senator Wirtz (absent), who would vote "nay."

Senator Rogers moved that the resolution be printed in the Journal.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—12.

Baugh.	Rice.
Cousins.	Rogers.
Fairchild.	Strong.
Holbrook.	Thomas.
Lewis.	Turner.
McMillin.	Woods.

Nays—12.

Bledsoe.	Parr.
Clark.	Pollard.
Darwin.	Stuart.
Davis.	Watts.
Doyle.	Witt.
Floyd.	Wood.

Absent.

Bowers.	Murphy.
Burkett.	Ridgeway.

(Pair Recorded.)

Senator Bailey (present), who would vote "yea" with Senator Wirtz (absent), who would vote "nay."

Senator Pollard moved a call of the Senate and that absent Senators be brought into the Senate chamber, and the call was ordered.

The Chair directed the Sergeant-at-Arms to close the doors of the Senate chamber.

Senator Bledsoe raised the point of order that under the Constitution the doors of the Senate chamber cannot be closed except for executive sessions.

The Chair instructed the Sergeant-at-Arms to leave one door of the Senate chamber and all doors of the galleries open, but that he allow no Senator to depart.

The Secretary was then instructed to call the roll and the following Senators answered to their names:

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Clark.	Rice.
Cousins.	Rogers.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Fairchild.	Turner.
Floyd.	Watts.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent—Excused.

Bowers.	Ridgeway.
Burkett.	Wirtz.

The Secretary then announced the following absentees:

Senators Bowers, Burkett, Ridgeway and Wirtz.

On motion of Senator Bailey the absentees were excused.

Question then recurred on the adoption of the resolution.

Yeas and nays were demanded and the resolution was adopted by the following vote:

Yeas—12.

Bledsoe.	Parr.
Clark.	Pollard.
Darwin.	Stuart.
Davis.	Watts.
Doyle.	Witt.
Floyd.	Wood.

Nays—10.

Cousins.	Murphy.
Fairchild.	Rice.
Holbrook.	Rogers.
Lewis.	Thomas.
McMillin.	Turner.

Present—Not Voting.

Woods.

Absent.

Bowers.

(Pairs Recorded.)

Senator Bailey (present), who would vote "nay" with Senator Wirtz (absent), who would vote "yea."

Senator Strong (present), who would vote "nay" with Senator Burkett (absent), who would vote "yea."

Senator Baugh (present), who would vote "nay" with Senator Ridgeway (absent), who would vote "yea."

Senator Watts moved to reconsider the vote by which the resolution was adopted and table the motion to reconsider.

The motion to table prevailed.

S. B. No. 3 on Second Reading.

The Chair laid before the Senate as special order, on its second reading.

S. B. No. 3, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them as follows, to-wit: University of Texas, including the Medical

Branch at Galveston, and the College of Mines and Metallurgy at El Paso, Agricultural and Mechanical College, State Experimental Stations, Prairie View Normal and Industrial College, John Tarlton Agricultural College, Grubbs Vocational College, Promotion of Vocational Education, College of Industrial Arts, Sam Houston State Teachers College at Huntsville, Southwest Texas State Teachers College at San Marcos, North Texas State Teachers College at Denton, West Texas State Teachers College at Canyon, East Texas State Teachers College at Commerce, Sul Ross State Teachers College at Alpine, Stephen F. Austin State Teachers College at Nacogdoches, Texas School for the Blind, and Texas School for the Deaf, for the years beginning September 1, 1923, and ending August 31, 1925, and declaring an emergency."

The bill was read second time.

Senator Bailey moved that the bill be considered department by department, and the motion carried.

Senator McMillin moved that the departments be considered by subdivisions and the motion carried.

The department of the University of Texas was read, sub-division of Anthropology first being considered and adopted.

Second division, Applied Mathematics, was read.

Senator Floyd offered the following amendment to this division:

Amend S. B. No. 3, page 2, line 27, by striking out the figures "5000.00—5000.00" and insert in lieu thereof the figures "4400.00—4400.00."

On motion of Senator Wood, the amendment was tabled.

Senator Floyd offered the following amendment to this division:

Amend S. B. No. 3, page 2, line 28, by striking out the figures "3600.00—3,600.00" and insert in lieu thereof "3,400.00—3,400.00."

On motion of Senator Wood, the amendment was tabled.

The division of the School of Botany was read.

Senator Floyd offered the following amendment to this division:

Amend S. B. No. 3, page 3, line 6, by striking out the words "4,000.00—4,000.00" and insert in lieu thereof the figures "3,800.00—3,800.00."

Senator Wood moved to table the amendment.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—17.

Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Rogers.
Darwin.	Stuart.
Davis.	Turner.
Lewis.	Watts.
McMillin.	Witt.
Murphy.	Wood.
Parr.	

Nays—8.

Bailey.	Floyd.
Cousins.	Strong.
Doyle.	Thomas.
Fairchild.	Woods.

Present—Not Voting.

Holbrook.

Absent.

Burkett.	Ridgeway.
Clark.	Wirtz.

Senator Floyd offered the following amendment to this division:

Amend S. B. No. 3, page 8, lines 7 and 8, by striking the figures 3,300.00—3,300.00 and 2,500.00—2,500.00," and insert in lieu thereof the figures "3,200.00—3,200.00—2,400.00—2,400.00."

Senator Wood moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—17.

Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Darwin.	Rogers.
Davis.	Stuart.
Holbrook.	Turner.
Lewis.	Witt.
McMillin.	Wood.
Murphy.	

Nays—9.

Bailey.	Strong.
Cousins.	Thomas.
Doyle.	Watts.
Fairchild.	Woods.
Floyd.	

Absent.

Burkett.	Ridgeway.
Clark.	Wirtz.

The Division of Chemistry was then read.

Senator Floyd offered the following amendment to this division:

Amend S. B. No. 3, page 3, line 12, by striking out the figures "\$5,000.00—\$5,000.00," and insert in lieu thereof the figures "4,400.00—4,400.00."

Question: Shall the amendment be adopted?

Recess.

Senator Watts moved that the Senate recess until 3 p. m. today, and the motion was lost.

Senator Clark moved that the Senate recess until 2:30 p. m. today, and the motion was lost.

On motion of Senator Wood, the Senate at 12 o'clock noon, recessed until 2 p. m. today.

Afternoon Session.

S. B. No. 3 on Engrossment.

The Senate resumed consideration of the special order, the same being S. B. No. 3, making appropriations for the support of the educational institutions of the State, on its passage to engrossment with amendment by Senator Floyd pending.

Senator Wood moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—14.

Bledsoe.	Rice.
Bowers.	Rogers.
Davis.	Stuart.
Holbrook.	Turner.
Lewis.	Watts.
Murphy.	Wirtz.
Parr.	Wood.

Nays—8.

Clark.	McMillin.
Doyle.	Pollard.
Fairchild.	Thomas.
Floyd.	Woods.

Absent.

Bailey.	Burkett.
Baugh.	Cousins.

Darwin.
Strong.

Witt.

Absent—Excused.

Ridgeway.

Senator Floyd offered the following amendment:

Amend Senate Bill No. 3, by reducing the salary schedule of said bill to conform to the legislative appropriation for the main University of Texas as made in the appropriation bill of the First Called Session of the Thirty-seventh Legislature, 1921. The intent of the amendment is to place the faculty of the University of Texas on the same salaries as paid out of the legislative appropriations for 1922 and 1923.

Senator Wood moved to table the amendment.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—15.

Bledsoe.	Rice.
Bowers.	Rogers.
Darwin.	Stuart.
Davis.	Watts.
Holbrook.	Wirtz.
Murphy.	Witt.
Parr.	Wood.
Pollard.	

Nays—9.

Cousins.	McMillin.
Doyle.	Thomas.
Fairchild.	Turner.
Floyd.	Woods.
Lewis.	

Absent.

Bailey.	Clark.
Baugh.	Strong.
Burkett.	

Absent—Excused.

Ridgeway.

(Senator Cousins in the Chair.)

Senator Wood offered the following amendment to this division:

Amend page 3 by striking out all of line 23.

The amendment was adopted.

Senator Floyd offered the following amendment to this division:

Amend Senate Bill No. 3, page 3, line 19, by striking out the figures "22,000 22,000" and insert in lieu thereof the figures "19745—19745."

On motion of Senator Witt the amendment was tabled.

The Division of Classified Languages was read.

Senator Floyd offered the following amendment to this division:

Amend S. B. No. 3, page 4, line 4, by striking out the figures "4,200.00—4,200.00" and insert in lieu thereof the figures "4,080.00—4,080.00."

On motion of Senator Wood, the amendment was tabled.

The Division of Comparative Literature was read and adopted.

The Division of Economics and Sociology was read.

Senator Clark offered the following amendment to this division:

Amend S. B. No. 3, page 4, by striking out all from line 13 down to and including line 19.

On motion of Senator Wood, the amendment was tabled.

(Senator Murphy in the Chair.)

The Division of English, Geology, Germanic Languages, Government, History, Home Economics, Journalism, Library, Science, Music, Philosophy and Psychology, Physics, Public Speaking, Pure Mathematics, Romance Languages, Semitics, Slavic Languages, Zoology, School of Business Administration, School of Engineering, School of Education and the College of Engineering were read and adopted.

The Division of the School of Law was read.

Senator Pollard offered the following amendment to this division:

Amend S. B. No. 3, page 13, by striking out all of line 16 to 27, and inserting in lieu thereof:

Professor, Dean of Law

School (12 months) . . . \$6,000.00

Professor 5,000.00

Professor 5,000.00

Professor 4,500.00

Professor 4,500.00

Professor 4,200.00

Professor 4,200.00

Professor 4,200.00

Professor 4,200.00

Associate Professor 3,600.00

Senator Darwin offered the following amendment to the amendment:

Amend amendment by striking out the figure "27" and inserting in lieu thereof the figure "26."

The amendment to the amendment was adopted.

On motion of Senator Rice, the amendment as amended, was then tabled.

The Divisions of Physical Training and Library were read and adopted.

The Division of Administration was read.

Senator Doyle offered the following amendment to this division:

Amend S. B. No. 3, page 15, line 15, by striking out the figures "\$7,500.00" and insert in lieu thereof "\$7,000.00" in both columns.

On motion of Senator Wood, the amendment was tabled.

The Division of Business Manager was read.

Senator Watts offered the following amendment to this division:

Amend S. B. No. 3, page 16, line 21, by striking out "3,500.00—3,500.00" and inserting in lieu thereof "4,000.00—4,000.00."

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—12.

Bledsoe.	Pollard.
Bowers.	Strong.
Clark.	Stuart.
Davis.	Watts.
Murphy.	Wirtz.
Parr.	Wood.

Nays—14.

Baugh.	Lewis.
Cousins.	McMillin.
Doyle.	Rice.
Darwin.	Rogers.
Fairchild.	Thomas.
Floyd.	Turner.
Holbrook.	Woods.

Absent.

Bailey.	Witt.
Burkett.	

Absent—Excused.

Ridgeway.

The Divisions of Economic Geology and Technology and the Bureau of Extension were read and adopted.

The division of Departments and Laboratories was read.

Senator Darwin offered the following amendment to this division:

Amend S. B. No. 3, page 19, line 32, by striking out the figures "\$3,500.00"

in each item and inserting in lieu thereof "\$6,000.00" for each year, and by adding after the word "law" in line 32 the words "and law books."

Senator Clark moved to table the amendment.

Yeas and nays were demanded and the motion to table was lost by the following vote:

Yeas—10.

Clark.	Rice.
Doyle.	Strong.
Fairchild.	Thomas.
Floyd.	Watts.
McMillin.	Woods.

Nays—15.

Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rogers.
Darwin.	Stuart.
Davis.	Turner.
Holbrook.	Wirtz.
Lewis.	Wood.
Murphy.	

Absent.

Bailey.	Cousins.
Burkett.	Witt.

Absent—Excused.

Ridgeway.

The amendment was then adopted.

The divisions down to Contingent Fund on page 30, were read and adopted.

The division of Contingent Fund was read.

Senator Floyd offered the following amendment to this division:

Amend S. B. No. 3, page 31, line 4, by striking out the figures \$48,090, \$48,090.

Senator Wood moved to table the amendment.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—16.

Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Rogers.
Darwin.	Stuart.
Davis.	Turner.
Holbrook.	Wirtz.
Murphy.	Witt.
Parr.	Wood.

Nays—10.

Clark.	McMillin.
Cousins.	Strong.
Doyle.	Thomas.
Floyd.	Watts.
Lewis.	Woods.

Absent.

Bailey.	Burkett.
---------	----------

(Pair Recorded.)

Senator Fairchild (present), who would vote "nay" with Senator Ridgeway (absent), who would vote "yea."

Senator Woods offered the following amendment to the bill:

Amend S. B. No. 3 by striking out the following wherever they occur in said bill: "Except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911."

The amendment was adopted.

Senator Wood offered the following amendment to the bill:

Amend Senate Bill No. 3 by inserting between lines 31 and 32, page 29 of the printed bill, the following: "Contingent fund for all purposes of the College of Mines and Metallurgy, \$5,000.00 each year."

The amendment was adopted.

Senator Wood offered the following amendment to this division:

Amend Senate Bill No. 3, page 31, by inserting between lines 8 and 9 the following:

"To pay Miss Lavinia Harwill as assistant in the Library at the University, \$1,000.00 each year."

The amendment was adopted.

Senator Baugh offered the following amendment to this division of the bill:

Amend S. B. No. 3, page 31, line 4, by striking out the figures "\$48,090" wherever they occur and insert in lieu thereof the figures "\$25,000.00."

Senator Wood moved to table the amendment.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—15.

Bledsoe.	Rogers.
Bowers.	Stuart.
Darwin.	Turner.
Davis.	Watts.
Holbrook.	Wirtz.
Murphy.	Witt.
Parr.	Wood.
Rice.	

Nays—11.

Baugh.	Lewis.
Clark.	McMillin.
Cousins.	Strong.
Doyle.	Thomas.
Fairchild.	Woods.
Floyd.	

Absent.

Bailey.	Pollard.
Burkett.	Ridgeway.

Senator Wood offered the following amendment to this division:

Amend S. B. No. 3, page 1, line 22 by adding after the word "that" the following: "All fees and".

The amendment was adopted.

Senator McMillin offered the following amendment to this division:

By adding to the provisions at the end of the appropriation for the University of Texas and its branches, the A. & M. College and its branches, and all the State teachers' colleges and C. I. A. the following:

"It is further provided that during the session beginning September, 1923, no one shall be admitted as a student who has not completed the tenth grade of the prescribed high school course, and all sessions thereafter the qualifications for entrance for the applicant shall be completion of a high school course."

Senator Darwin offered the following amendment to the amendment:

Amend the amendment by adding the words, "unless the student is 21 years old or over, or a student in the training school."

This amendment to the amendment was adopted.

(Lieutenant Governor T. W. Davidson in the chair.)

Senator Stuart offered the following amendment to the amendment: Amend the amendment by striking out the words in line 3, after A. & M. College "and its branches."

This amendment to the amendment was lost.

Senator Cousins moved to table the amendment as amended; and the motion to table was lost.

Senator Rogers offered the following amendment to the amendment:

Amend the amendment by substituting 1924 for 1923.

The amendment was adopted.

Senator Floyd moved to reconsider the vote by which the amendment to

the amendment, offered by Senator Rogers, was adopted, and the motion to reconsider was lost.

Senator Clark moved to table the amendment as amended.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—14.

Baugh.	Strong.
Bledsoe.	Stuart.
Bowers.	Thomas.
Clark.	Turner.
Cousins.	Watts.
Doyle.	Witt.
Lewis.	Wood.

Nays—12.

Darwin.	Murphy.
Davis.	Parr.
Fairchild.	Rice.
Floyd.	Rogers.
Holbrook.	Wirtz.
McMillin.	Woods.

Absent.

Bailey.	Pollard.
Burkett.	Ridgeway.

The Department of the University of Texas was then adopted.

The Department of the A. & M. College was reached.

Senator Fairchild moved that the Senate adjourn until 9:30 a. m. tomorrow, and the motion was lost.

The Division of the School of Agriculture was read.

Senator Bowers offered the following amendment to this division:

Amend S. B. No. 3, page 32, line 13, by striking out the figures "3,250.00 and \$3,250.00" and inserting "\$3,600.00—3,600.00."

(Senator John Davis in the Chair.)

Senator Clark offered the following substitute for the amendment:

Amend S. B. No. 3, page 32, line 13, by striking out figures "3,250.00" in each line and inserting in lieu thereof "4,500.00."

Question: Shall the substitute for the amendment be adopted?

Bills Under Governor's Call.

The Chair (Lieutenant Governor T. W. Davidson presiding), held in regard to a point of order made by Senator Parr that the following bills were not included in the Governor's

call and therefore could not be considered by the Senate at this Called Session of the Legislature: S. B. Nos. 10, 12, 13, 15, 21, 22, 25, 28.

The Chair, however, stated in reply to a question by Senator Wood that he, at a future date, would hear arguments from any Senator as to this ruling with regard to any particular bill.

Message From the House.

Hall of the House of Representatives, Austin, Texas, April 24, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. J. R. No. 1, Commemorating Hon. Thomas Mitchell Campbell.

S. C. R. No. 9, Petitioning Congress to repeal part of the Transportation Act of 1920, with amendment.

H. B. No. 10, A bill to be entitled "An Act to tax property passing by will or by descent or by grant or gift taking effect on the death of the grantor or donor; providing for the collection of such tax, and repealing Articles 7487, 7488, 7489, 7490, 7491, 7492, 7493, 7494, 7495, 7496, 7497, 7498, 7499, 7500, 7501 and 7502, Revised Civil Statutes of Texas, 1911; also repealing Chapter 21 of the Acts of the First Called Session of the Thirtieth Legislature, Chapter 166 of the Acts of the Regular Session of the Thirty-fifth Legislature, and Chapter 164 of the Acts of the Regular Session of the Thirty-sixth Legislature, and repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 15, A bill to be entitled "An Act to amend Articles 7407, 7409, 7414, 7415 and 7416 of the Revised Statutes of the State of Texas of 1911, relative to the taxation of the intangible assets of certain corporations, associations and individuals, and providing for the creation of a State Tax Board for the valuation of such intangible assets and for the distribution of said values for local taxation and for the assessment of said assets and the levy and collection of taxes thereon; and to provide for the repeal of all laws and parts of laws laying taxes upon the gross incomes of corporations,

associations and individuals affected by the provisions thereof, so that as by this Act amended, said article shall provide that other and additional individuals, corporations, companies and associations be included and made subject to the provisions thereof; providing that any such individual, company, corporation or association engaged in any other business, upon which an occupation tax based on gross receipts is levied, shall not be relieved from the payment of such occupation tax by reason of the payment of taxes based on intangible values; fixing the salary of the Tax Commissioner, and declaring an emergency."

H. B. No. 25, A bill to be entitled "An Act amending Sections 1 and 2 of Chapter 78, General Laws, Second Called Session, Thirty-sixth Legislature, as amended by Chapter 61 of the General Laws, First Called Session, Thirty-seventh Legislature, making it unlawful for any person, directly or indirectly, to possess or receive for the purpose of sale, or to manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, or any other intoxicant whatever, or to possess, receive, manufacture, or knowingly sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish any equipment, still, mash, material, supplies, device or other thing for manufacturing, selling, bartering, exchanging, transporting, exporting, delivery, taking orders for, soliciting or furnishing any such liquors, intoxicants or beverages, and making it unlawful for any person, directly or indirectly, to possess, or receive for the purpose of sale, or to manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish spirituous, vinous or malt liquors or medicated bitters, or any potable liquor, mixture or preparation containing in excess of one per cent of alcohol by volume, or to possess, receive, manufacture or knowingly sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish any equipment, still, mash, material, supplies device or other thing for manufacturing, selling, bartering, exchanging, trans-

porting, exporting, delivering, taking orders for, soliciting or furnishing any such liquors, intoxicants or beverages; and be further amended by adding thereto Section 2, making proof of possession of mash, or of a still or any device for manufacturing intoxicating liquors, or proof of the possession of more than one quart of intoxicating liquors prima facie evidence of guilt wherever possession or receipt, or possession or receipt for the purpose of sale, is made unlawful by this Act; and amending Chapter 78, General Laws, Second Called Session, Thirty-sixth Legislature, by adding Section 35a, with reference to seizure and destruction of the vehicles and instrumentalities used for the violation of the liquor laws of this State, and declaring an emergency."

Respectfully submitted,
C. L. PHINNEY,
Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House Bills:

H. B. No. 10, to the Committee on State Affairs.

H. B. No. 15, to the Committee on State Affairs.

H. B. No. 25, to the Committee on Criminal Jurisprudence.

Adjournment.

On motion of Senator Rogers, the Senate at 4:55 p. m. adjourned until 9:30 o'clock a. m. tomorrow.

APPENDIX.

Petitions and Memorials.

The Chair, Lieutenant Governor Davidson, offered and had read a telegram signed by A. M. Hilliard, State President, and Mrs. J. O. Smart, Secretary, Texas Division Farm Labor Union of America, urging passage of the House Bill placing a three per cent tax on crude oil.

Also, another telegram from Bonham, signed by W. W. Fitzwater, President Farm Labor Union of

America, urging Senate to pass the House Bill requiring a three per cent tax on crude oil.

By unanimous vote the following communication was ordered printed in the Appendix of the Journal.

Austin, Texas, April 23, 1923.

Hon. T. W. Davidson, President of the Senate, Senate Chamber, Austin, Texas.

My Dear Sir: We beg leave to call your attention to the fact that the Farm Labor Union of Texas has declared for, and asked the Legislature of Texas to enact a gross receipt revenue tax law of five (5) per cent on crude oil.

Since the House of Representatives passed House Bill No. 1, by Coffee, which provides for a three (3) per cent gross tax on crude oil, I have conferred with the State officials of the Farm Labor Union who have agreed to try to satisfy our membership with a three (3) per cent rate if the Senate concurs in the House Bill No. 1, but inasmuch as the farmers are now paying more than their just proportion of the taxes and inasmuch as our schools are in great need of funds, and inasmuch as anything short of a three (3) per cent gross tax on crude oil will not suffice, we know they will not be satisfied with anything less.

Therefore, we, the Legislative Committee of the Farm Labor Union of Texas, and members of the same, in the name of the rural children and rural schools of Texas, beg of your Honorable body to give us a law providing for at least three (3) per cent gross tax on crude oil.

We further request that this letter be read in open session of the Senate and printed in the Senate Journal.

Yours most respectfully,

R. L. ROBINSON,

JOE EDMUNDSON,

Legislative Committee of
Farm Labor Union of Texas.

Senator Burkett sent up for consideration of the Senate, a communication from Coahoma, signed by D. C. Riley, President; W. W. Lay, Secretary; P. A. Smith, member, Coahoma School Board, and R. B. Hood, Superintendent of Public Schools, urging passage of measure for aid of rural schools.

An invitation was received and accepted for the attendance of the Sen-

ate members at an entertainment to be furnished in Hall of House on Thursday night, April 26, music to be furnished by the Ebenezer Chorus and St. John Orphanage of Austin.

Committee Reports.

Senate Chamber,

Austin, Texas, April 24, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 7 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

EIGHTH DAY.

Senate Chamber

Austin, Texas,

Wednesday, April 25, 1923.

The Senate met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Absent—Excused.

Burkett.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

Bills on First Reading.

The following bills, introduced today, were each read first time and referred to appropriate committees as follows: